UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,099	03/03/2004	Alistair Kenneth Clement Scott	10031368-1	4110

22878   7590   11/26/2008
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
NGUYEN, HANH N

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
11/26/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPOPS.LEGAL@agilent.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>16 September 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7,9-15,17-23 and 25* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-7, 9-15, 17-23, 25* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, is " the communication network" referred to " a first communication network" or " a second communication network" or both the first and the second communication networks in claim 1 ?

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7, 9-15, 17-23, 25 are rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 9, 11, 12,

15, 17 of U.S. Patent No. 7,295,577 B2. Although the conflicting claims are not

identical, they are not patentably distinct from each other because

Regarding claims 1, 3, 4, 5, 9, 11, 12, 13, 17, 19, 20, 21, 25, the patent disclose

in claims 1, 3, 9, 15, 17, 11 an analysis device performs a call flow record detecting, on

a first communication network, a first call signaling message using a first communication

protocol (an analysis device detects correlation data identifying a first call portion

associated with the first communication protocol on a first communication network);

detecting , on a second communication network, a second call signaling messages

using a second communication protocol (the analysis device detects correlation data

identifying a second call portion associated with a second communication protocol on a

second communication network). The first call signaling message is SS7 ISUP (see

claim 3 in the Patent; the correlation data comprises information identifying the first

communication protocol). The second call signaling messages comprises MGCP

messages (see claim 3 in the Patent; the correlation data comprises information

identifying the second communication protocol). The Patent further discloses in claim 3

that the correlation data is performed inn real-time (correlation data is detected in real-

time). The Patent further discloses in claim 1 that the first and the second call signaling

messages are for a particular call (correlation data characterizes a single call).

Since the claimed Application does not specify from what communication network an

anlysis device is remote although the analysis device is claimed to be coupled to the

first communication network and to the second communication network, therefore, the

analysis device as shown in claim 17 of the Patent would have been obvious to be used

remotely either from the first communication network or the second communication

network or both presumpably the analysis device is located alone.

Regarding claims 2, 10, 18, the patent discloses the correlation data allows the first call

portion and the second call portion to be displayed to a user in real-time in a call flow

record (see claims 1, 9, 15 in the Patent, display a call flow record comprising the first

signaling massages and second signaling messages detected).

Regarding claims 6, 7, 14, 15, 22, 23, the Patent discloses the correlation data identifies

dissimilar signaling protocols related to a telephone call; and wherein a first signal

protocol comprises SS7 ISUP (see claim 3 in the Patent; the first call signaling

messages comprise SS7 ISUP messages); the second communication protocol coplies

MGCP (see claim 3 in the Patent; the second call signaling message comprises MGCP

messages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-15, 17-23, 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Parham et al. (US Pat. 6,839,342 B1) in view of Drum et al. (US

Pat. 6,456,845 B1).

In claims 1, 9, 17 and 25, Parham et al. discloses a system for remotely correlating and displaying dissimilar communication protocol identifiers in real time, comprising: user communication information carried on a network that is characterized by at least two dissimilar communication protocols (see fig.2, col.1, lines 30-40; col.2, lines 45-55 and col.3, lines 20-40; interfacing signaling information and voice traffic between SS7 protocol and MGCP protocol ; the voice signals are transmitted over IP network 30 as real-time packet); a first communication protocol associated with a first communication network (see fig.2; col.2, lines 46-55; SS7 signaling protocol is used by SS7 signaling network 24); a second communication protocol associated with a second communication network (see fig.2, col.3, lines 7-20 and col.5, lines 10-12, MGCP signaling protocol from IP network 30); and

An analysis device remote from and coupled to the first communication network and the second communication network (see fig.2; gateway 15 is located between SS7 network 24 and IP network 30), the analysis device is configured to passively detect correlation data identifying a first call portion associated with the first communication protocol (see col.2, lines 47-55 and col.3, lines 32-38; gateway 18 receives SS7 signaling information from SS7 signaling network 24 via softswitch 26) and configured to detect correlation data identifying a second call portion associated with the second communication protocol (see fig.2, col.3, lines 7-20 and line 64 to col.4, line 5; gateway 18 receives signaling information formatted in MGCP from IP network 30), where the correlation data comprises information identifying the first communication protocol (see fig.2, col.3, lines 32-40; the signalling information is

transmitted in SS7 format from SS7 network 24) and the second communication

protocol (see col.3, line 64 to col.4, line 5; receiving signaling information in MGCP

format IP network 30), and wherein the correlation data is detected in real time (see

col.3, lines 28-32; and line 64 to col.4, line 5; the voice signals is converted to RTP

packets during transmission between PSTN 12 and IP network 30). Parham does

not disclose the correlation data characterizes a single call.

Drum et al. discloses in col.7, lines 64 to col.8, line 12; a message correlation

platform (see fig.3&4; an analysis device displays correlated various parameters

(such as call ID, IMSI, etc, see fig.5) contained in different types of signaling

messages as shown in col.7, lines 30-50; fig.3 (an analysis device displays

dissimilar communication protocol identifiers). In col.10, lines 12-22, Drum et al.

discloses that signaling messages formatted in different signaling protocols

associated with a particular mobile call is automatically correlated, collected,

displayed in user interface 304 (see fig.4; col.8, lines 1-8). Therefore, it would have

been obvious to one skilled in the art use the message correlation platform MCP 300

in place of the gateway of Parham in order to interface signaling messages from

different signaling networks. The motivation is to establish calls using different

signaling formats.

In claims 2, 10 and 18, Parham et al. discloses the correlation data allows the first

call portion (voice from PSTN 12) call and the second call portion (RTP packets

from IP network 30) to be displayed to a user in real-time in a call flow record (see

col.3, lines 28-32 and fig.2; converted in real-time).

In claims 3, 11 and 19, Parham et al. discloses the correlation data relates to a signaling protocol (SS7 signalling) associated with the first communication protocol (PSTN 12) and the second communication protocol (IP network 30). See fig.2 and col.2, lines 47-55.

In claims 4,12 and 20, Parham et al. discloses the correlation data is supplied to an analysis device (gateway 18) that is coupled to the communication network (communication network 20 in fig.2), and wherein the correlation data is supplied by a customer provided communication device (from customer premises 22 as shown in fig.2). See col.3, lines 20-30.

In claims 5, 13 and 21, Parham et al. discloses the correlation data comprises information relating to multiple telephone calls that span the dissimilar communication protocols (see fig.2, voice traffic transmissions between customer premises 22 via IP network 30, PSTN 12). See col.3, lines 20-42.

In claims 6, 14 and 22, Parham et al. discloses the correlation data identifies dissimilar signaling protocols (See col.2, lines 30-50, SS7 signalling and MGCP) , and wherein a first signaling protocol complies with SS7 ISUP (the SS7 signalling is associated with TDM 12).

In claims 7, 15 and 23, Parham et al. discloses the correlation data identifies dissimilar signaling protocols related to a telephone call, and wherein the second communication protocol complies with media gateway control protocol (MGCP) (see col.2, lines 38-47; at gateway 18, media gateway in a form of MGCP is received and processed to provide signaling information).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doerr et al. (US Pat. 6382768 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8AM to 4:30PM. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on 571 272 3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2416